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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	09/870,023
Filing Date	May 30, 2001
First Named Inventor	Charles L. Branch et al.
Art Unit	3733
Examiner Name	Pedro Philogene
Attorney Docket Number	MSDI-213/PC365.05

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP
Signature	
Printed name	Brad A. Schepers
Date	April 7, 2008
Reg. No.	45,431

### CERTIFICATE OF TRANSMISSION/MAILING

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Brad A. Schepers

Date

April 7, 2008

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

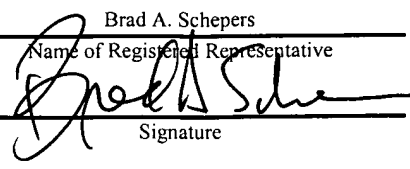
In re patent application of:	)	Before the Examiner:
Charles L. Branch et al.	)	Pedro Philogene
	)	
Application Serial No.: 09/870,023	)	Group Art Unit: 3733
	)	
Filed: May 30, 2001	)	Ref. No.: MSDI-213/ PC365.05
	)	
INTERBODY FUSION GRAFTS	)	April 7, 2008
AND INSTRUMENTATION	)	

**RESPONSE TO NON-FINAL OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated January 11, 2008, please enter and consider the following remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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### **INTRODUCTORY COMMENTS**

Claims 63-65, 67, 69-89, 91, 92 and 94-104 were pending in the subject application for the non-final Office Action mailed on January 11, 2008. Each of the pending claims has been rejected on various grounds. In view of the following remarks, reconsideration and allowance of the subject application are hereby requested.